

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of New Century Telecom, Inc.
(U-5912-C) for Approval of Stock Purchase
Agreement and Related Transfer of Control.

Application 02-10-007
(Filed October 8, 2002)

To: ALL PARTIES OF RECORD IN THE ABOVE-CAPTIONED PROCEEDING

NOTICE OF AVAILABILITY

The draft decision of ALJ Kenney has been made available at http://www.cpuc.ca.gov/PUBLISHED/COMMENT_DECISION/54673.htm on March 23, 2006. The draft decision requests authority under Section 854(a) to transfer ownership of New Century Telecom, LLC (NCT) to Karyn Bartel. The transaction was implemented without Commission authorization in March 2003. NCT's CPCN was revoked by Resolution T-16962, issued on October 27, 2005, for failure to file an annual report and to remit regulatory surcharges and fees. The draft decision denies the application because NCT is no longer a public utility and, therefore, Section 854(a) does not apply. The draft decision orders NCT to pay a fine of \$55,000 for violating Rule 1, several decisions, and parts of the Public Utilities Code.

Any recipient of this Notice of Availability who is not receiving service by electronic mail in this proceeding or who is unable to access the link to the Commission's web site given above may request a paper copy of the draft decision from the Commission's Central Files Office, at (415) 703-2045; fax number (415) 703-2263; e-mail cen@cpuc.ca.gov.

The draft decision will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

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When the Commission acts on the draft decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the draft decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure," accessible on the Commission's website at www.cpuc.ca.gov. Pursuant to Rule 77.3 opening comments shall not exceed 15 pages.

Comments must be filed with the Commission's Docket Office. Comments should be served on parties to this proceeding in accordance with Rules 2.3 and 2.3.1. Electronic copies of comments should be sent to ALJ Kenney at tim@cpuc.ca.gov. All parties must serve hard copies on the ALJ and the assigned Commissioner, and for that purpose I suggest hand delivery, overnight mail or other expeditious methods of service. The current service list for this proceeding is available on the Commission's web site, www.cpuc.ca.gov.

Dated March 23, 2006, at San Francisco, California.

/s/ MICHELLE COOKE for
Angela K. Minkin, Chief
Administrative Law Judge

ANG:tcg